REMARKS/ARGUMENTS

Claims 2-5 and 7-11 now stand in the present application, claims 2 and 7 having been amended to incorporate the limitations of claims 1 and 6, respectively, dependent claims 2-5 having been amended to depend from independent claim 2 and dependent claims 7-11 having been amended to depend from amended independent claim 7, and claims 1 and 6 having been canceled. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over Apostolopoulos et al. ("Apostolopoulos '083") in view of Hirst et al. ("Hirst"). Applicant respectfully traverses the Examiner's § 103 rejection of the claims in view of the above-described amended claims.

Apostolopoulos '083 transmits each packet on one path or another of two which have been previously set up. Hirst discloses that there are again two paths set up from the beginning: one in use and the other a duplicate which is "pinged" periodically to ensure that it is suitable as a backup if the main one fails. *See*, Hirst at column 9, lines 51-67. Neither system discloses the setting up of a new route (a request for access) in response to a fall in quality on the existing route, as required by amended independent claims 2 and 7.

More particularly, in Applicant's claimed invention, if no second link is needed no such link is established. *See*, independent claims 2 and 7. This is different from both prior art systems, which require duplicate routes to be established in advance. Note also that the present invention also requires transmission of all the data over both

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routes, rather than sharing the traffic between them as in Apostolopoulos '083, or switching all traffic from the default to the duplicate as in Hirst – although the passage on columns 5 to 6 suggests that redundant information is transmitted over both the default and duplicate networks in some circumstances.

A further patentable distinction over Apostolopoulos '083 is that Applicant's invention is directed to a user terminal, not to a network element. The present invention is therefore entirely under the control of the user, who alone determines whether the cost of the second link is justified. In both the prior art systems, the links are maintained all the time, whether or not they are needed.

For all of the above reasons, independent claims 2 and 7 and their respective dependent claims 3-5 and 8-11 patentably define over the cited art taken singly or in combination.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 2-5 and 7-11, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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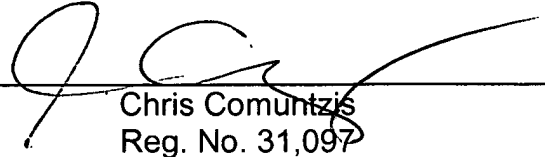
CLARK
Appl. No. 10/532,610
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Respectfully submitted,

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